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Convention on the Elimination of All Forms of Discrimination against Women

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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the seventh periodic report of Argentina

Addendum

Replies by Argentina*

[Date received: 15 July 2016]

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Introduction

1. Pursuant to its obligations under the Convention on the Elimination of All Forms of Discrimination against Women, the Argentine Government submits the replies requested in the list of additional issues CEDAW/C/ARG/Q/7 in relation to the seventh periodic report. Discussed below is the progress made by the country with achieving the effective exercise of the human rights of all women, together with the challenges it still faces in that regard. The period covered is that reported on in 2015, with the inclusion, also, of the principal advances and policy guidelines implemented since 10 December 2015.

2. The new administration has, from the start, placed particular emphasis on promoting the gender agenda with a multisector, cross-cutting and federal approach. The goal is to achieve comprehensive empowerment of women, especially those who are exposed to violence and multiple intersecting forms of discrimination, whose lives are therefore disproportionately impaired and whose circumstances are particularly inequitable compared to those of men. The Argentine Government reaffirms its commitment to uphold the right of all persons to live a life free from violence and considers it a prerequisite for aspiring to a more egalitarian society.

3. Today, the national machinery for the advancement of women — the National Women's Council — is a publicly recognized forum open to dialogue, collaborative effort and collective generation of initiatives, in constant interaction with society; testifying to the Argentine Government's commitment to gender equality in all its dimensions.

4. The Argentine Government stands ready to expand on the following replies and even include new information in its presentation at the Committee's 65th session.

Legislative and institutional framework

5. As the seventh periodic report informed the Committee (Convention articles 1, 2, 3, 15 and 16/points 1 to 8), in the Argentine Republic men and women are equal before the law, as guaranteed by article 16 of the National Constitution. Argentina has also ratified the principal human rights instruments and covenants establishing a commitment by the State and its responsibility vis-à-vis the international community.

6. As regards the promotion and protection of women's human rights,[1] the Convention on the Elimination of All Forms of Discrimination against Women, ratified in 1986, has had "constitutional hierarchy" (article 75, paragraph 22) since 1994. In addition, the Optional Protocol to the Convention was ratified in 2006 and currently only one Argentine case is being processed before the Committee by virtue of that Protocol.

7. The Convention is legally enforceable throughout the national territory. The Supreme Court is responsible for overseeing compliance with conventions and that all legal norms are adapted to the conventions ratified by Argentina. Argentina is a federal state in which the provinces have jurisdiction over all matters not delegated

[1] Source: http://infoleg.mecon.gov.ar/infolegInternet/Anexos/0-4999/804/norma.htm [English: http://www.senado.gov.ar/web/interes/constitucion/english.php or http://www.wipo.int/edocs/lexdocs/laws/en/ar/ar075en.pdf].

to the nation, including, inter alia, the administration of justice, municipal government and education (article 5 of the National Constitution). In all matters relating to guarantees for women's rights, the courts are required to apply the Convention in their rulings and all national and provincial laws must be consistent with that Convention, on pain of being declared unconstitutional.

8. The Committee senses that there are obstacles to implementation of the Convention under the Argentine federal system. Nevertheless, that system itself provides for the existence of Federal Councils charged precisely with detecting and removing any such obstacles. The National Women's Council,[2] the national body responsible for overseeing compliance with the Convention together with the Federal Women's Council, promotes public policies for the whole of Argentina that are consistent with the mandates of the Convention. The agreements reached this year (2016) in the Federal Women's Council regarding the Plan of Action for implementing Law 26.485 to provide comprehensive protection as a means of preventing, punishing and eradicating violence against women, scheduled to be presented in June of this year, are a clear example of that role.

9. In 2015, in connection with the 20-year review of the implementation of the Beijing Declaration and Platform for Action (Beijing+20), Argentina also presented reports on the Platform for Action, describing progress and ongoing challenges with respect to women's rights.[3] In addition, Argentina is currently in the process of adapting to the 2030 Agenda for Sustainable Development, as it realizes that substantive equality between men and women also encompasses issues such as the elimination of all forms of violence against women, sexual and reproductive rights, and the recognition of reproductive work.

10. In the seventh report (Convention article 12/point 96), the Argentine Government reported on progress with respect to non-punishable abortion and the various tools and care guides being implemented throughout the country. As regards progress with regulations involving the decriminalization and legalization of abortion, on July 1, 2016, at the initiative of women's organizations, a new bill was submitted to the Chamber of Deputies allowing for voluntary interruption of pregnancy.[4]

11. As regards the political participation of women, the country's seventh periodic report (Convention article 7/points 60 to 65) states that, in line with the progress achieved with women's representation in parliamentary bodies since the passing of the Quota Act, gender parity in electoral lists and various other spheres of women's participation is mentioned and addressed in the following bills promoting it: bills before the Chamber of Deputies: 415-D-2016; 461-D-2016; 1852-D-2016;[5] bills before the Senate: 36/16; 1199/16.[6]

12. In the seventh report (Convention articles 1, 2, 3, /points 1 to 5 and 19) Argentina describes progress with legislation that includes major steps toward eradicating discrimination against women. In addition, based on the Population Census, the report includes new indicators that throw light on the composition of, inter alia, the population of African descent, the rural population and native peoples.

[2] Hereinafter referred to as CNM (Consejo Nacional de las Mujeres).
[3] http://www.cepal.org/mujer/noticias/paginas/3/51823/Informe_Argentina_Beijing_20.pdf.
[4] Bill [Proyecto de Ley] N° 4161-D-2016 — Voluntary interruption of pregnancy — National Chamber of Deputies. http://www.hcdn.gov.ar/proyectos/proyecto.jsp?id=187583.
[5] http://www.hcdn.gov.ar/proyectos/buscador2016-99.html.
[6] http://www.senado.gov.ar/parlamentario/parlamentaria/exp.

13. As regards public policies against discrimination, particular mention should be made of the 2016 National Anti-Discrimination Plan of the National Institute to Combat Discrimination, Xenophobia and Racism, which states, in the section on gender violence, that the goal is to establish a policy conducive to greater awareness of violence and gender equality issues specifically with respect to discrimination and to cooperate with agencies committed to policies designed to protect women's rights. It also addresses sexual health, sexual diversity, persons with disabilities, older adults, discrimination, racism and xenophobia, native peoples, persons of African descent, and other issues.[7] (Annex I)

14. The new Civil Code clearly guarantees that "No provision may be interpreted or applied in such a way as to limit, restrict, exclude or suppress the equality of the rights and obligations of the parties to a marriage and the consequences it gives rise to, irrespective of whether or not the marriage is constituted by persons of the same sex" (Article 402). Thus the Egalitarian Matrimony Act (26.618) of 2010, which made the rights of marriages formed by heterosexual and homosexual couples completely equal, and the Gender Identity Act (26.743) of 2012,[8] which recognizes every person's right to determine her or his own gender identity are fully incorporated, with that process ending with the issuance of enabling regulations for the Gender Identity Act in 2015.

15. The National Sexual Diversity Coordination Unit was established,[9] as a dependency of the Ministry of Social Development, to protect and disseminate rights and address issues such as comprehensive sex education, laws on inclusion, and support for LGBT persons and their families. It is also tasked with helping to design and implement productive, associative, cooperative and artistic development projects in support of sexual diversity and human rights organizations and other national government agencies. Recent progress includes the publication of the following specific manuals, in June and September 2015, respectively, for the transgender and LGTB community:

- Manual of sexual diversity terms and concepts from a human rights perspective. An inclusive Argentina.[10]
- Guidelines for comprehensive health care of transgender persons.[11]

16. Ever since it was first formulated in 2005, the National Anti-Discrimination Plan of the National Institute to Combat Discrimination, Xenophobia and Racism (INADI) has never envisaged a time frame. The Directorate of Policies to Combat Discrimination is currently preparing and evaluating programs and projects for joint actions by the National Government and provincial and municipal governments and civil society organizations, with a view to establishing strategies for eradicating and combating discriminatory or xenophobic acts or conduct throughout Argentina, as envisaged in the 2016 Management Plan.[12]

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[7] http://www.inadi.gob.ar/plan-de-gestion/plan-anual-2016/.

[8] Decree 903/2015. Law N° 26.743. Regulation. Buenos Aires, 20 May 2015 http://www.infoleg.gob.ar/infolegInternet/Anexos/245000-249999/247367/norma.htm.

[9] http://www.desarrollosocial.gob.ar/biblioteca/de-la-ley-a-la-practica/.

[10] http://www.trabajo.gob.ar/downloads/otros/151111_guia_diversidad_doc.pdf.

[11] Guía para equipos de salud para la atención de salud integral de personas trans — [Guidelines for comprehensive health care of transgender persons] Ministry of Health — June 2015 http://www.msal.gob.ar/images/stories/bes/graficos/0000000696cnt-guia-equipos-atencion-salud%20integral-personas-trans.pdf.

[12] http://www.inadi.gob.ar/wp-content/themes/customizr/inc/assets/img/plan-gestion-2016.pdf.

17. Gender-equality plans are in place at both the provincial and municipal level: the Equal Opportunities Plan (PIO) in Buenos Aires City; the Equal Opportunities Plan of Santa Fe province (2014-2015) and the municipality of Rosario (PIO I: 2001-2004, PIO II: 2005-2009 and PIO III: 2010-2014 — Municipalities of Buenos Aires Province: Morón, Lujan (2011- 2012); Mendoza (2003-2006); Mar del Plata (2003-2006) and Resistencia (2003-2006). Other cities with such plans are Paraná (Entre Ríos Province) and Capilla del Monte (Córdoba Province).

18. The Seventh Report (Convention articles 2, 7 and 8/point 27) mentions the Women's Office (OM) attached to the Supreme Court as responsible for compiling periodic case law reports (*Informes Periódicos de Jurisprudencia*) relating to the implementation of international instruments and conventions on women's human rights. According to the 2015 Periodic Case Law Report by the Women's Office, the Convention on the Elimination of All Forms of Discrimination against Women was taken into account in 377 (18.8%) out of a total of 2,002 judicial proceedings.[13]

19. The National Women's Council has a special section on its website (www.cnm.gob.ar) devoted to the Convention and its Optional Protocol,[14] in which it reports on the procedure for filing complaints and disseminates National Reports. The National Women's Council also regularly publicizes the Convention in the training activities it organizes and in its social networks.

Access to justice

20. As the Seventh Report mentioned (Committee recommendations 19 and 33/point 38), CNM operates the 144 telephone helpline, which provides information, guidance, counselling, and restraint (*contención*) for women confronting violence anywhere in Argentina, free of charge, 24/7, every day of the year. The service is provided by interdisciplinary teams, mostly comprised of professional psychologists, attorneys and social workers trained in the gender perspective, who, among other functions, provide detailed information and advice to callers using the helpline regarding access to justice mechanisms.[15]

21. At the federal level, there is a National Resources and Violence Treatment Services Guide and an Interactive Map,[16] which are updated every week and made available by their operators to persons needing them. The Guide lists more than 7,000 resources. Thanks to direct users' calls, there is considerable first-hand information as to how each of these institutions functions. At the same time, the statistics on calls made are systematized in monthly reports drawn up by the CNM Observatory on Violence and used to assess the resources' effectiveness, needs and shortcomings and to formulate public policies. These statistics have been public since 10 December 2015 and are posted on the CNM website.[17]

22. As we reported to the Committee, one recent development was the establishment, under the auspices of the CNM, of an Interdisciplinary Case

[13] http://www.csjn.gov.ar/om/docs/jurisprudencia_2015sept.pdf.
[14] http://www.cnm.gob.ar/Varios/Cedaw.html.
[15] http://www.cnm.gov.ar/Varios/Linea144.html#SLpvg.
[16] http://www.cnm.gov.ar/GNR/GuiaNacionalDeRecursosArgentina.html.
http://www.desarrollosocial.gob.ar/linea144.
[17] http://www.cnm.gob.ar/Varios/Linea144.html#Est1516.

Follow-Up Body. Progress is also being made with arrangements to coordinate with the Federal Police's 911 emergency calls system so that the two helpline services complement one another.

23. As regards better access to justice, the Ministry of Justice and Human Rights has been overseeing the implementation, nationwide, of Access to Justice Centres (CAJ), which assist the community by providing counselling and professional guidance to ensure full exercise of rights and equal opportunities.[18] The CAJ have interdisciplinary teams which coordinate joint actions with national and local agencies and national social programs with a view to responding quickly and effectively to the community's needs.

24. With more than 30 centres, spread over 20 provinces and the city of Buenos Aires, they make up a federal public policy access network.[19]

25. In November 2015, a law was enacted (Law 27.210) establishing the Attorneys for Victims of Gender Violence Unit attached to the Justice Secretariat of the Ministry of Justice and Human Rights in order to guarantee access to justice through comprehensive, cost-free legal representation for women victims.[20]

26. As regards access to justice, resources are also available for women with disabilities: the "National Justice System Assistance Programme for Persons with Disabilities" (ADAJUS), attached to the Justice Secretariat of the Ministry of Justice and Human Rights (specifically, the National Directorate for Assistance to Vulnerable Groups, which reports to the Human Rights Secretariat) fulfils Argentina's obligations under the Convention on the Rights of Persons with Disabilities (Law 26.378). That Programme was established to ensure effective access to justice on an equal basis with others for persons of disabilities, through appropriate procedures, communication and information. Supplementing it are the Handbook on the Rights of Persons with Disabilities[21] and the Protocol for Access to Justice of Persons with Disabilities, produced for judges, prosecutors, defenders, other justice system operators and ancillary justice administration personnel. In addition, the Protocol is used in continuous training and improvement courses in the judiciary and related spheres.[22/23]

27. In the Seventh Report (Committee recommendation 19/points 35 to 42), the Argentine Government provided information regarding progress with implementing General Recommendation 19 and General Recommendation 33 of the Committee on violence against women in connection with the Security Forces. Following is supplementary information on progress sponsored by the Ministry of Security: the

[18] Access to Justice/Legal Aid Centres (*Centros de Asistencia Jurídica*) of the Ministry of Justice and Human Rights. The National Directorate for Promoting and Strengthening Access to Justice was established through Decree N° 1755/08. It reports to the Undersecretariat for Relations with the Judiciary (Justice Secretariat).

[19] (CAJ).http://www.jus.gob.ar/accesoalajusticia/institucional.aspx.

[20] See http://www.infoleg.gob.ar/infolegInternet/Anexos/255000-259999/255672/norma.htm.

[21] http://www.jus.gob.ar/areas-tematicas/acceso-a-la-justicia-para-personas-con-discapacidad.aspx.

[22] http://www.fiscalias.gob.ar/wp-content/uploads/2013/11/Resoluci%C3%B3n-FG-N%C2%BA-434-13-Protocol for Access to Justice for Persons with Disabilities. Proposals for Appropriate Treatment-Ref.-Act.-Int.-N%C2%B0-Sin-Act.-Int.pdf.

[23] http://www.mpd.gov.ar/uploads/documentos/blog/Cartilla%20de%20informacion%20y%20accesibilidad%20a%20los%20derechos%20de%20las%20personas%20con%20discapacidad%20REVISADO.pdf.

inclusion in the 2016 Training Curriculum of the provision that no member of the security and police forces may be promoted if he or she has not received training in the gender perspective. This gender training requirement will apply to all personnel by the end of 2017.[24]

28. Through Resolution 73/2016, the Minister of Security established a Round Table, to be run jointly by the Gender Policies Coordination Office and the National Directorate for Education and Training of the Undersecretariat for Planning and Training of the Ministry of Security, to ensure dissemination and ownership of gender violence prevention policies and gender mainstreaming in every aspect of institutional life.

29. The courses with a gender perspective for personnel in the Federal Forces and provincial police forces address: (a) Early detection of trafficking situations in border areas; (b) Registering of complaints for early detection of trafficking situations; (c) Federal criteria for appropriate intervention in domestic violence cases.

30. Particular importance is attached to the Online Course[25] for members of the four federal forces and — through the Internal Security Council — for provincial police forces, containing inputs and tools prepared by the Ministry of Security on gender violence, consisting of: (a) "Guidelines for Police Intervention in Domestic Violence Cases" and (b) A manual specifically devoted to "Best Practices for Police Intervention in Domestic Violence Cases. A Federal Guideline", which is distributed to personnel on a permanent basis.

31. In addition, each of the Police and Security Forces has a Comprehensive Gender Centre (*Centro Integral de Género*) which organizes training courses throughout the country on gender issues, domestic violence, labour relations with a gender perspective and sexual harassment. They serve to raise awareness among personnel and to familiarize them with this channel for filing complaints, making presentations, and consulting all personnel.

32. In the Seventh Report, in relation to Committee recommendation 26/points 58 and 59 /Annexes), the Argentine Government comments on progress made in judicial proceedings regarding crimes against humanity in terms of the investigation and prosecution of crimes against sexual freedom. In 2014, in the sentence handed down in the "Metán" case, it was decided to admit the civil suit filed by a victim of sexual violence and sexual slavery and order compensation in the following categories: therapy and medication until full restoration of the victim's psychic health; moral harm; loss of job opportunities; psychic harm and damage to life project.[26] In 2016, more than 20 persons accused of sex crimes have been convicted in six proceedings.[27]

Women, Peace and Security

33. In its Seventh Report (article 8 of the Convention/points 68 to 70), the Argentine Government provided information regarding the process of drafting the

[24] http://www.minseg.gob.ar/pdf/capac-2016-ssi.pdf.

[25] http://www.minseg.gob.ar/nueva-plataforma-virtual-de-formaci%C3%B3n-y-capacitaci%C3%B3n http://capacitacion.minseg.gob.ar/.

[26] http://www.infojusnoticias.gov.ar/nacionales/causa-metan-prision-perpetua-para-seis-represores-en-salta-5852.html.

[27] See the file on sentences handed down in crimes against humanity trials http://www.fiscales.gob.ar/wp-content/uploads/2016/05/LH_Dossier_16-5_1.pdf (May 2016).

Plan of Action of resolution No. 1325 (2000) and notified the Committee already that Decree N° 1895/15 of 15 September 2015 approved the "National Plan of Action of the Argentine Republic for Implementing resolution 1325 (2000) of the United Nations Security Council and Subsequent Resolutions."[28] The Defence and Foreign Relations portfolio had been pushing for that Plan since 2011. The principal objectives of the Plan of Action are, inter alia, to achieve: a greater number of women in the Armed Forces (in both the War College and Peace Missions); women civilians taking part in humanitarian missions; rules and policies amended to ensure gender equality; the inclusion of a gender perspective in all training courses; and the establishment of specialized centres.

National Mechanism for the Advancement of Women (CNM)

34. The Seventh Report (Committee recommendations 12 and 18/points 22, 23, 24 and 37) describes the programmes, inter-agency arrangements, agreements and resources of the CNM. To supplement that information, included below are the public policies being implemented by the new administration that began on 10 December 2015. Chief among these are the drafting of the National Action Plan for the Provision of Assistance and Prevention and Elimination of Violence against Women (scheduled for presentation in July 2016); the expansion of the 144 helpline service; the establishment of the Interdisciplinary Case Follow-Up Body; expansion of the Ellas Hacen programme to include transgender persons; meetings of the Federal Women's Council; the opening up of inter-agency opportunities for working with trade unions and the relatives of victims of femicide; and other initiatives.

35. Regarding the availability of funds for implementing programmes, there was a 132% year-on-year increase between 2015 and 2016.[29] Further resources are expected to become available for implementing the above-mentioned 2017-2019 Action Plan.

36. Today the CNM has 190 employees[30] and six staff members. Helpline 144 is operated by 104 professionals working in eight shifts to ensure 24/7 service.

37. With respect to the participation of women and women's organizations in the drafting of the National Plan of Action envisaged in Law 26.485 (article 9), so far this year (2016), two meetings of the Federal Women's Council have been held, one in Buenos Aires and one in Corrientes, and another is scheduled for 4 August 2016 in Córdoba. Given the federal nature of the country, further meetings were held with representatives of Áreas Mujer in eight provinces and with civil society organizations, in order to ensure that the Plan reflects the particular characteristics of each region.

38. The National Women's Council sees itself as a facility open to dialogue and intersectoral work. Thus, since 2016, it has convened monthly working groups

[28] http://www.saij.gob.ar/boletin-diario/boletin-20150921.html.

[29] The Budget for 2015 was 7,210,500 pesos, while the budget for 2016 is 16,763,000 pesos: a year-on- year increase of $9.552.500.

[30] There are 14 people working on cases; 5 on helpline resources; 8 in human resources; 8 in the legal and accounting departments; 18 are working on projects, 17 are employed in the Directorate of Technical Assistance; and 8 in reception and secretariat services. There are 4 people employed in the Office of the Chair, 3 in the shelters section, 3 in the Undersecretariat, and 12 in the Communications Directorate.

(*Mesas de Trabajo*) with trade unions affiliated to the General Confederation of Labour (CGT) and the Confederation of Workers of Argentina (CTA) to work jointly to develop awareness campaigns, advance the mechanisms for assisting women confronted with violence, and train delegates in trade union organizations.

39. A facility for working with the relatives of victims of femicide was also opened. It has spearheaded an awareness-raising campaign on gender violence.[31]

Stereotypes and harmful practices

40. The Seventh Report (Convention articles 4 and 5/points 30 to 34) described progress made with dismantling stereotypes and practices that degrade women, especially in the media and through mass campaigns. Following is supplementary information on two recent campaigns:

(a) The #AmorEs campaign aims to show what signs point to love and which do not, in order to help young people discern when a relationship with a partner turns violent.[32]

(b) The #Paralamano campaign: "No to harassment during transportation" aims to promote the right to quality and secure transportation within a context of respect for human rights. The campaign was conducted in 2015 by the railway Nuevos Ferrocarriles Argentinos Operadora Ferroviaria, INADI and the CNM.[33]

41. In addition, in 2016, for the second year running, the Ombudsperson's Office (*Defensoría del Público*) will post online and free of charge its course entitled "Introduction to the gender perspective in audiovisual media", which aims to trigger reflection on the role of audiovisual media in developing discourse that promotes equal opportunities and rights for all.[34]

42. With respect to communications, in December 2015, Decree 267/2015 established the National Communication Entity (ENACOM) as a largely self-administered and decentralized body reporting to the Ministry of Communications. Its objective is to head the technological convergence process and create stable market conditions for guaranteeing access to Internet, fixed and mobile telephony, radio, postal and television services. As part of that function, ENACOM launched the ITU's #ANIMATE Campaign to reduce the gender-related digital divide.[35]

43. Of particular note is the online postgraduate course offering a Degree (*Diploma Superior*) in Communication and Gender, declared to be of interest by the Ombudsperson's Office for Audiovisual Communication Services of Argentina and co-certified by the Inter-American Commission of Women of the Organization of American States (CIM-OAS) and ENACOM Argentina. Its goal is to instil in society and in journalists the ability to appraise media content from a gender perspective and to produce their own transformative communication strategies for achieving an egalitarian society.[36]

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[31] See SPOT https://www.youtube.com/watch?v=h4dFauigcec.

[32] http://www.desarrollosocial.gob.ar/amores/.

[33] https://www.sofse.gob.ar/galeria/galeria.php.

[34] http://defensadelpublico.gob.ar/es/secciones/formacion-virtual.

[35] http://video2.bajarfacebook.com/bajar-video-de-facebook-1743630992546408.html.

[36] http://www.comunicarigualdad.com.ar/diploma-de-comunicacion-y-genero/.

44. Also in 2015, the Observatory on Discrimination on Radio and Television (ENACOM, INADI AND CNM)[37] conducted a special investigation into discourse discriminating against women in television coverage of cases of femicide and gender violence,[38] which yielded significant findings regarding the prevalence of discriminatory and stigmatizing language in the treatment of cases of violence against women that are being taken very much into account in the drafting of the National Plan of Action for Preventing and Addressing Violence against Women (Annex II).

45. In April 2016, in INADI's offices in Chaco province, workshops were conducted on discrimination against indigenous women, the chief purpose of which was to strengthen the rights of communities from a human rights, indigenous women's and non-discrimination perspective. Similar actions were undertaken also for women of African descent (Annex I).

Violence against women

46. The Seventh Report (Committee, General Recommendation No. 19/point 35) provided information regarding the process of ratification and implementation of Law 26.485 to provide comprehensive protection as a means of preventing, punishing and eradicating violence against women. Now all 24 jurisdictions in Argentina have ratified and are implementing Law 24.685.

47. With regard to the building of shelter homes providing comprehensive protection for women in situations of violence, together with their nuclear family, 25 more comprehensive shelter homes are being built and renovated: 9 in Buenos Aires province[39] and 16 in the rest of the country.[40]

48. With respect to how shelter homes operate, it is important to highlight the formulation and ratification of the Framework Protocol for Shelter Facilities (*Protocolo Marco de Atención de Hogares*), which is designed to strengthen local response in terms of assistance and of preventing, punishing and eradicating gender violence. Its main function is to provide guidelines for detecting, appraising and acting in situations of gender violence and following up on them, from both a gender and human rights perspective. The aforementioned protocol provides a general practical and procedural framework for the professional and non-professional teams working in the shelter homes and serves as a basis for the provinces and municipalities responsible for running the shelters to draw up their own local protocols.

49. The Seventh Report (Committee General Recommendation No. 19/point 42) provided information regarding progress made with statistics on violence against women, with a view to updating the Unified Register of Cases of Violence against

[37] Observatory: Proposal N°208 of the National Anti-Discrimination Plan, approved by Decree N°1086/05.

[38] http://www.obserdiscriminacion.gob.ar/wp-content/uploads/2015/11/Monitoreo-al-24-11.pdf.

[39] Partido de la Costa, Bolívar, Moreno I and II, Florencio Varela, Almirante Brown, Lomas de Zamora, Avellaneda, Ituzaingó.

[40] El Carmen (Jujuy), Salta (Salta), San Luis (San Luis), Zapala (Neuquén), Santiago del Estero (Santiago del Estero), Las Heras (Santa Cruz), Mendoza (Mendoza), Gobernador Costa (Chubut), Guaymallén (Mendoza), La Rioja (La Rioja), Sierra Colorada (Río Negro), Colón (Entre Ríos), Paraná (Entre Ríos), Catamarca (Catamarca), Corrientes (Corrientes), Bariloche (Río Negro).

Women (RUCVM) kept by the National Statistics and Census Institute (INDEC). The updating process is in full swing and being consolidated methodologically using digital software capable of monitoring the entire information distribution process and a digital datasheet that makes it easier to input data and deliver them to the agencies that need the information. Thus far, information is available regarding the social and demographic profiles of the victims and the types and patterns of violence. The link below contains the figures published up to July 2015: http://www.indec.gov.ar/ftp/cuadros/sociedad/primeros_resultados_rucvm.pdf.

Updated data available from the Femicides Record of the Supreme Court of Justice show the number of femicides in all of Argentina in 2015 as 235.[41]

50. Among the programs sponsored by the National Secretariat for Children, Young Persons and the Family (SENAF), there is one called "Promoting Kindness towards Children and Young Persons" (*Promoción del Buen trato a Niñas, Niños y Adolescentes*). It is designed to raise awareness, through public information campaigns and the media, regarding the rights of children and adolescents, including the right to be protected from all forms of violence; discrimination in any shape or guise; and corporal punishment or other harmful traditional practices, however moderate; and to commit the media to a culture of respect for children's rights. Another program addressed Prevention and Assistance in Child Exploitation Cases and Trafficking in Persons. On the one hand it calls for the restitution of the rights of children and young persons who are victims of those crimes and, on the other, it organizes training courses and workshops designed to prevent them.

51. Of the 170 cases of assistance to children and adolescents by SENAF, 88 involved girls. In all 40 cases of sexual exploitation the victims were girls, as were 186 of the 336 cases of workplace exploitation.

52. The Argentine Government reiterates that article 9.e of Law 26.485 is adamant with regard to mediation or similar deals that may arise between victims and their aggressors. It insists that the types of approach taken to such offences must empower women victims of violence, respect the social, political, and cultural dimensions of the issue and not allow models envisaging mediation or negotiations.

53. Supplementing the above information and at the Committee's request, we can report an important development in connection with hate crimes against lesbian, bisexual and transgender women, namely the murder in October 2015 of Amancay Diana Sacayán, an activist for the human rights of LGBTI persons. Her death occurred just one month after two other trans women — Marcela Chocobar and Coty Olmos — were found dead in the provinces of Santa Fe and Santa Cruz, respectively, according to complaints filed by the civil society organizations Federación Argentina de Lesbianas, Gays, Bisexuales y Trans (FALGBT) and Comunidad Homosexual Argentina (CHA). Worth highlighting are the support given to family members and the eight requests by the CNM to change the name given to these murders to travesticide.

Trafficking, exploitation and prostitution

54. The Argentine Government reported in connection with Convention article 6 (see points 46 to 52) on progress made with legislation on trafficking in women.

[41] http://www.csjn.gov.ar/om/docs/femicidios_2015.pdf.

Law 26.364 was passed in 2008, on the prevention and punishment of human trafficking and victim assistance; this was then amended by Law 26.842 in 2012, to correct discrepancies arising from a failure to consider the victims' consent and increase penalties.

55. The National Trafficking Victims Rescue and Assistance Programme of the Ministry of Justice and Human Rights provides technical assistance and psychological support; and, from the moment of the corresponding search warrant, the programme intervenes, using the 145 complaint hotline, in conjunction with the security forces to support victims until they are in a position to provide a witness statement in court, in articulation with that same ministry's National Witnesses Protection Programme.

56. At the institutional level, the Executive Committee to Combat Human Trafficking and Exploitation and Protect and Assist the Victims Thereof was created in 2013, with a Biannual Work Plan, resulting in the rescue of more than 10,000 women victims of this crime since 2008 (Annex V). That same year, attached to the Public Prosecution Service, the Prosecution Department for Combating Human Trafficking and Exploitation (PROTEX) was established.

57. In 2014, the Victim Orientation, Support and Protection Unit (DOVIC) was set up, with responsibility for special programmes for victims of trafficking and exploitation, child maltreatment and sexual abuse, gender violence and institutional violence.

58. Finally, on June 24, 2016, the Federal Council to Combat the Human Trafficking and Exploitation and Protect and Assist the Victims Thereof met for the first time, pursuant to Law 26.842. At the behest of the Executive Committee to Combat Human Trafficking, it was proposed that the current President of the CNM should be the Coordinator of that Federal Council.

59. With respect to prevention, worth noting is the National Campaign to Prevent Human Trafficking.[42] The campaign works through posters, radio and audiovisual spots to address trafficking for the purposes of both sexual and labour exploitation. At the regional coordination level, the "MERCOSUR LIBRE DE TRATA" [MERCOSUR free from trafficking] Initiative (2014-2015) is particularly worth noting.[43] Argentina played an active part is designing, putting together and disseminating the initiative.

60. Regarding measures to put an end to the dissemination of messages and images that promote or encourage sexual exploitation — Decree 936/2011, which established the Sex Trade Advertisements Monitoring Office — the following has been achieved: that 85% of monitored national, provincial and local newspapers have stopped publishing advertisements that serve as vehicles for trafficking in persons and/or sexual exploitation. That has helped to gradually eliminate symbolic and other expressions of violence in the media. Apart from targeting magazines and getting them to eschew advertisements that promote the sex trade and lure women for trafficking in persons and sexual exploitation through deceitful job offers, the Office has proactively conducted 99 investigations relating to 6,933 advertisements

[42] http://www.comitecontralatrata.gob.ar/novedades/campana-de-prevencion-sobre-el-delito-de-trata-de-personas-_n38.

[43] http://www.desarrollosocial.gob.ar/noalatrata.aspx. www.comitecontralatrata.gob.ar-, http://www.mercosurmujeres.org/es/mercosur-libre-de-trata-de-mujeres-camp12.

and has worked closely with the Ministry of Security, the Public Prosecution Service and the Judiciary by forwarding information relating to 11,259 advertisements in connection with 285 preliminary investigations and/or judicial proceedings.

Participation in political and public life

61. In its Seventh Report (Convention article 7/points 60 to 65), the Argentine Government provided the Committee with the latest numbers on percentages of women in the various branches and levels of government. Following is supplementary information in that regard.

62. In the national Executive Branch, the President is a man and the Vice President a woman, who is also President of the Senate. Women also head 3 ministries out of 19 (Security, Foreign Affairs and Social Development.[44] In provincial executive branches, five of our country's 24 jurisdictions are governed by women (Buenos Aires, Tierra del Fuego, Santa Cruz, Catamarca and Santiago del Estero).

63. With regard to gender equality in Public Administration, worth highlighting is the Collective Bargaining Agreement in Public Administration (National Decree 214/2006)[45] and Decree 993/93 establishing a CNM presence in committees overseeing public tenders (*Veedurías Concursos de la Administración Pública*).

64. Women have a substantial presence in the national legislative institutions: 38% in the Chamber of Deputies and 40% in the Senate. In the former there are 97 women and 160 men; in the Senate 30 women and 43 men. Women's share rose as a result of the last parliamentary elections, particularly in the Chamber of Deputies, where there are now five more female legislators than there were in 2014-2015.

65. As for the judiciary, of particular note is the Supreme Court's Gender Map of the Argentine Judiciary 2015. From the survey of 110,749 positions, it transpires that women are a majority (56%) in the Argentine judicial system.

66. The percentages are reversed when it comes to the Supreme Court, in which women account for 44% (33% of judges, 50% of officers, 52% of administrative personnel and 12% of general services personnel. The current composition of the High Court is: 4 men and one woman. In the Attorney General's Office, women account for 49% and the Attorney General is a woman.[46]

67. Because of the recent changes in in the makeup of the Supreme Court of Justice (where there is just one female member), a bill calling for parity in the Supreme Court was recently tabled: N° 474-D-2015; 169-D-2016; 403-D-2016;

[44] Decrees establishing the Ministry for Modernization of the State: 434/2016 and 561/2016, www.mapadelestado.modernizacion.gob.ar/sitio/jgm/jgm_normativa.html.

[45] Article 122.- Promotion of Working Women. The signatories are to guarantee the principles contained in the Convention on the Elimination of All Forms of Discrimination against Women, adopted by Laws No. 23.179 and 24.632 and Decree N° 254/98, to which end they shall adopt the necessary measures, be they permanent or temporary, to avoid and suppress such discrimination in all its guises and manifestations, and they agree to promote gender equity in employment as a core part of the principle of equal opportunity, http://www.sgp.gov.ar/contenidos/inap/fondo/docs/Decreto_214-2006.pdf.

[46] http://www.csjn.gov.ar/om/mapa_genero/mgja2015.pdf.

905-D-2016; 1091-D-2016. http://www.hcdn.gov.ar/proyectos/buscador2016-99.html. Another set of parity bills was tabled in the Senate: N° 1198/16; 1192/16; 1063/16; 1032/16; 488/16. http://www.senado.gov.ar/parlamentario/parlamentaria/.

68. Further bills were also tabled aimed at achieving gender parity in the Executive Branch: Bill No. 485/15 in the Senate. http://www.senado.gov.ar/parlamentario/parlamentaria/exp.

69. National Chamber of Deputies: Bill N° 1655-D-2015 http://www.hcdn.gov.ar/proyectos/buscador2016-99.html.

70. Senate: 1198/16; 1192/16; 1063/16, 1032/16, 488/16. http://www.senado.gov.ar/parlamentario/parlamentaria/exp.

71. As regards representation in political parties, Law 26.485 on violence against women includes political parties when referring to institutional violence (Article 6.b). Here it is worth highlighting the National Campaign against Institutional Violence conducted to celebrate the "National Day against Institutional Violence" in 2012.[47]

Education

72. In the Seventh Report (Convention article 10/points 71 to 79), the Argentine Government provides information on the extent of women's participation in education. Supplementing those data, with respect to women's enrolment in regular education, they account for approximately half (50%) of enrolment at the initial, primary and secondary levels but in higher education their share (70%) surpasses two thirds of all those enrolled. They achieve similar shares in rural areas and in both forms of vocational training, but not in special education, where women's enrolment accounts for 41% of the total (Annex III, Tables I, II, III and IV).

73. Among the indigenous segments of the population, indigenous women account for approximately half (50%) of enrolment in regular education at the initial, primary and secondary levels, but in higher education their share (69%) surpasses two thirds of all those enrolled. It should be noted that 54% of total enrolment of women is concentrated in the primary level, with only 6% in higher education. When broken down by area and level, the data show that, at the higher education level, 92% of women attend institutions in urban areas, whereas at the primary school level, 62% attend schools in rural areas. The statistics show that 80% of indigenous women attending Special Education institutions and 67% of those attending Ongoing Education for Youths and Adults institutions do so in urban areas (Annex III, Tables V, VI, VII and VIII).

74. As regards school attendance, for the 6 to 11 year-olds (primary school level) it is almost 100% and for 12 to 14 year olds nearly 95% (Annex III, Table IX).

75. Information regarding persons with disabilities relies on data from the 2010 National Population, Household and Housing Census concerning the population with permanent disabilities or limitations (Annex IV — CONADIS I and II), with a breakdown of course level reached and last year completed by women with permanent disabilities or limitations.[48]

[47] Video filmed by the Ministry of Security, https://www.educ.ar/sitios/educar/recursos/ver?id=119571.

[48] Source: Instituto Nacional de Estadística y Censos — 2014.

76. With respect to legislation, it is worth pointing out that the Convention on the Rights of Persons with Disabilities and Optional Protocol (Law 26.378, promulgated by Decree 895/2008) was accorded constitutional status by Law 27.044. In addition, a real paradigm shift with respect to disabilities came with the new National Civil and Commercial Code (Article 5 of which establishes ability/disability from a human rights perspective and incorporates the ability principle).

77. One measure worth highlighting with regard to inclusion is the translation into braille envisaged in Law 26.485 on Comprehensive Protection for Preventing, Punishing and Eradicating Violence against Women within the Scope of Interpersonal Relations (2013).

78. Noteworthy with respect to progress made with inter-agency coordination are the awareness-raising and training workshops with a gender perspective in technical teams in CONADIS and with a disability perspective in the (2013) CNM teams.

79. Intercultural Bilingual Education (EIB) is provided in preschool, primary and secondary schools and guarantees the right of indigenous children, enshrined in article 75 (17) of the National Constitution, to receive an education that helps to preserve and reinforce their cultural norms, language, worldview and ethnic identity, to play an active role in a multicultural world and to improve their quality of life.

80. The national training program known as "Community Schools for Training in Gender Issues" (*Escuelas Populares para la Formación en Género*) (Res. CNM 18/2013) induces knowledge production centres traditionally reserved for formal access to tertiary and/or university education to engage in direct dialogue with the community.

81. The CNM provides in-house training for its workers in a course called "Aid Workers for Women Exposed to Violence," which was approved by the National Institute of Public Administration (INAP) through INAP Regulation N° 27/2016 IS 24276/16, which assigns scores to officials of the National Government Employment System (SINEP). The objectives of the course are to train or strengthen helpline 144 operators and CNM employees so that they can provide a comprehensive response to gender-based violence issues.

82. The CNM National Directorate of Technical Assistance conducted more than 25 training workshops in a number of different jurisdictions in the country, reaching more than 1,050 people in the first six months of 2016.

83. With respect to measures to increase women's representation in science, technology, and nontraditional careers, following is supplementary information regarding two scholarship programmes: 1. The National Bicentennial Scholarship Programme grants scholarships to students who begin or who are already enrolled in a course (at the degree, university or non-university level technical qualification, or tertiary teacher training levels) related to engineering, applied sciences, natural sciences, the exact sciences, basic science and nursing, and to students at advanced stages of engineering courses who require between 3 and 15 credits to complete their studies. 2. The National University Scholarships Programme (PNBU) grants scholarships to students embarking on or already pursuing an undergraduate or graduate degree course in national universities or university institutes.

84. Those applying for either of these types of scholarship are priority groups and hence spared the requirement of having to accredit a basic income if they are mothers or pregnant or if they receive, or their parents receive, the Universal Child Allowance.

Employment

85. The Seventh Report (Convention article 11/points 85 to 88) provides information on employment policies. Law N° 24.576 guarantees, as a fundamental right, equal access and treatment of all male and female workers with respect to professional advancement and on the job training. Currently, gender equality clauses are included in Collective Bargaining Agreements and in other public policies, such as the Ministry of Labour's New Careers Programme, promoting women's entry into nontraditional career positions.[49,50]

86. In 2013, Law 26.844 established the Private Household Workers Contract of Employment regime, which recognizes for domestic employees the same rights as those of all other workers in Argentina. Registered private household workers number some 400,000, out of an estimated total number (including unregistered private household workers) of 1,150,000. Registered workers in that sector thus account for approximately 35% of the total and 80% of them are women. These registration percentages surpass the global average of 10%, according to ILO data. The ILO also reported that Argentina is a pioneer in this regard, in third place among countries in the Americas, after Canada and the United States.[51]

87. The first parity agreement ever for this sector (which includes non-therapeutic caregivers and household workers in its Collective Bargaining Agreement) was signed in September 2015. In addition, household workers received the equivalent of an indirect salary increase, thanks to a sharp drop in public transport fares for those using the SUBE card in the city and province of Buenos Aires.

88. As regards representation for this sector, there is a National Commission that oversees Private Household Work and seven trade unions nationwide. Argentina also boasts the number one Training School for Private Household Workers (Upacp), which provides training at secondary school level, using I.T., in looking after both adults and children.

89. The Work Contract Act and Government Employment Act guarantee maternity leave, which is administered by the State, through the National Social Security Administration (ANSES), which posts procedures and other requirements on its website that the general public can access.[52]

90. We informed the Committee that Law 26.847 (2013) incorporates article 148 bis of the Criminal Code, which prohibits child labour and punishes whoever exploits the work of children with prison sentences of between 1 and 4 years.

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[49] http://www.trabajo.gob.ar/igualdad/.

[50] http://www.trabajo.gob.ar/cegiot/oficios.asp?id_seccion=348
http://www.trabajo.gob.ar/downloads/difusion/140703_mecanicamotos_cuadernillo.pdf.

[51] http://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/article/wcms_195947.pdf.

[52] http://www.anses.gob.ar/prestacion/maternidad-maternidad-down-87.

91. The Third (2016-2020) National Plan for the Prevention and Eradication of Child Labour and the Protection of Adolescent Labour was launched in 2015. In addition, the National Commission to Combat Child Labour (CONAETI), attached to the Ministry of Labour, Employment and Social Security, conducts, jointly with the Provincial Commissions for the Prevention and Eradication of Child Labour, training and day courses, awareness-raising workshops and national meetings aimed at achieving the eradication of child labour.[53]

92. A Labour and Sexual Diversity Coordination Office has been operating since 2011 in the Undersecretariat for Policies, Statistics, and Labour Studies of the Employment Secretariat of the Ministry of Labour, Employment and Social Security. Its goal is to promote and protect equal workplace opportunities for the LGTBI community, by talking to key players in the labour market and following the ILO agenda. Key spheres of participation include the round-table workshops ("Mesas de Trabajo") with LGBTI organizations and the Group of National State Agencies for the protection and promotion of the rights of the LGTBI population. Currently, the Group comprises all the ministries and some decentralized entities. Finally, also worth mentioning is the establishment, with State support, of the "Inter sindical por la Diversidad Sexual", a commitment by trade union representatives to respect sexual diversity. Progress was made with the actual inclusion in collective labour agreements of non-discrimination clauses with respect to sexual orientation and gender identity.[54]

Health

93. The Seventh Report (Convention article 12/point 96) provides information regarding women's comprehensive health and regarding the existence of the Guide to Non-Punishable Abortions in the provinces. As regards application of the Guide and lawsuits relating to it, in the province of Santa Fe a lawsuit was brought in 2015 requesting that the "Protocol for the comprehensive care of persons entitled to legal interruption of pregnancy" be declared unconstitutional and inapplicable, on the grounds that it violated the right to life of the unborn child and the right to freedom of conscience. On the same date, in another province (Entre Ríos) a bill was presented seeking to prohibit the practice of abortion in the province, but later withdrawn.

94. In April 2011, the United Nations Human Rights Committee condemned Argentina in the case of "LMR" for unlawful interference in the life of LMR through the judiciary, which made her go to court to exercise her right to an abortion and expelled her from the public health system, forcing her to resort to the clandestine abortion circuit to interrupt her pregnancy, thereby endangering her life and health. The Committee found that the State violated a woman's right to be free from cruel, inhuman and degrading treatment and torture, and the right to privacy and access to justice. In 2015, the Argentine State established a reparation agenda and issued public apologies.

95. In October 2012, a Buenos Aires court prevented a 32 year old woman from accessing legal and safe abortion services. She had been a victim of trafficking and

[53] http://www.trabajo.gob.ar/conaeti/?id_seccion=485.
[54] http://www.trabajo.gob.ar/diversidadsexual/.

her pregnancy had been the result of a rape. The Supreme Court annulled the lower court's decision and, in the end, the woman was able to have an abortion. Two similar cases occurred in 2013, in Tucumán province, in respect of two girls, aged 12 and 16, who were victims of rape, and another occurred in Salta province, where the courts or health services denied a minor the legal abortion to which she was entitled.

96. In April 2014, the Court of [Constitutional] Guarantees in Salta province annulled all proceedings in an abortion case. N. N. L. had arrived at the hospital to save her life, because she had carried out an abortion and needed medical care. However, the doctor who saw her filed a denunciation and the public prosecutor initiated an investigation against her.

97. On April 19, 2016, Division III of the Court of Appeals in Tucumán province sentenced "Belén" to eight years in prison for the crime of homicide aggravated by relationship (*homicidio agravado por el vínculo*) under extraordinary mitigating circumstances. The young woman was accused of having given birth in the bathroom of the hospital that she had gone to in pain without knowing that she was pregnant. The CNM filed an amicus curiae (friend of the court) appeal for her release from prison arguing that the case was null and void due to torture and violation of secrecy. No final judgment has yet been handed down in this case.

98. In June 2016, the provincial State in Salta refused to authorize a non-punishable abortion for a 12 year old girl from the Lhaka Honha community in Alto en la Sierra thereby compromising her right to health. The CNM filed a provincial State liability report request with the Human Rights Commission of the Chamber of Deputies, while at the same time providing advice and assistance to the family. It also provided for emergency money to be transferred to facilitate the girl's referral to a hospital and to cover medical expenses. The provincial State has not yet responded to the report request.

99. Thanks to the passing of the Comprehensive Sex Education Act (26.150), teachers have had a legal instrument that authorizes and legitimizes the provision of sex education. That law makes it compulsory at all levels and for all kinds of schools (government or private) to teach comprehensive sex education and makes it a right to which all pupils are entitled. Course contents may be graphic as well as oral.[55]

100. Regarding the health of women with disabilities, the Ministry of Health's National Sexual Health and Responsible Parenthood Programme (PNSSyPR) is directed at the population as a whole, without any discrimination, and is imbued with a diversity perspective encompassing persons with disabilities. It includes materials adapted for pupils with disabilities in schools throughout the country. In addition, INADI and the Ministry of Justice and Human Rights are committed to disseminating the rights, including sexual rights, of persons with disabilities. Thus, "Sexuality without Barriers" materials are prepared that address the sexual and reproductive rights of persons with disabilities, with a focus on women's rights so as to avoid double discrimination (on account of disability and of gender) and heightened vulnerability.

[55] http://esi.educ.ar/.

101. Law 25.543 (2001) requires health teams to offer HIV testing to all pregnant women. Since 2010, it has been recommended that diagnostic testing be offered proactively to their partners as well. Since 2009, in order to ascertain the prevalence of this form of transmission of the virus, the Childbirth by Women with HIV Notification Card has been used, and since 2013 work has also been done with the laboratories performing paediatric diagnoses to strengthen the inputting of their findings in the Ministry of Health's Laboratory Surveillance System (SIVILA). Various national strategies are under way to reach the goals for the elimination of mother-to-child transmission of HIV-syphilis-hepatitis B and Chagas disease. They include, in 2016, the National "Elegir Saber" [Choose to Know] Campaign to Promote HIV Testing, which has a component for pregnant women called "prevention of vertical transmission."[56]

Rural women

102. In its Seventh Report (Convention article 14), commenting on recent progress, the Argentine Government provided information on policies implemented for women in rural areas, based on data furnished by today's Ministry of Agro-Industry and the Rural Change Unit (UCAR).The latter facilitates the centralization and coordination of all programmes and projects financed in whole or in part with external resources that are designed to improve the living conditions of the inhabitants (male and female) of rural areas by strengthening public and private rural institutions and making the agro-industrial sector more competitive. In this context, it is worth highlighting a recent publication entitled "The New Generations of Rural Women as Promoters of Change", which presents the findings of a study conducted in the second half of 2014 that sought to describe, in both objective and subjective terms, the social and demographic situation, and access to the labour market, education, and new information and communication technologies (ICTs), of young women living in rural areas in Argentina.[57]

103. In 2010, the Argentine Government reported the passing of Law 26.727, which announced the new Farm Labour Regime and created the National Register of Agrarian Workers and Employers (Renatea) under the jurisdiction of the Ministry of Labour. This register replaced RENATRE (the National Register of Rural Workers and Employers), a body controlled by rural entities and the Argentine Union of Rural Workers and Stevedores (UATRE), as a nongovernmental public corporation.

104. In November 2015, in a lawsuit arguing a breach of the Constitution (*amparo*) brought by the former RENATRE, the Supreme Court annulled a judgment of the Labour Court of Buenos Aires ratifying Law 26.727, which deprived rural workers and employers of direct administration of Unemployment Insurance for that activity. The November judgment reinstated the plaintiff's administration of said insurance.[58]

105. As regards progress detected as the new administration took over, according to data in the Register, 1,780 rural establishments (with 154,000 workers and 11,700

[56] http://www.msal.gob.ar/sida/.

[57] http://www.ucar.gob.ar/index.php/component/tags/tag/222-mujeres-rurales#.

[58] http://www.cij.gov.ar/nota-19110-The Court allowed a challenge to the law that in 2011 took the administration of unemployment insurance for the agricultural sector away from rural workers and employers.html.

employers) have been audited since 2013. In that lapse of time there were more than 1,000 complaints of trafficking and labour and child exploitation.

Disadvantaged groups of women

106. In its Seventh Report (Convention articles 10, 11 and 13/points 90 and 94/ Annexes I and IX), the Argentine Government explained all its universal policies for combating poverty, from Social Security, to Pensions and the Universal Child Benefit (AUH) and its specific social development programmes, such as ELLAS HACEN, which encompass women in native peoples and other groups of women. In addition, INADI includes a series of programmes targeting diverse groups of women that address specific discrimination issues by providing training and assistance (Annex I).

107. With regard to the refugee population, the Commission for Comprehensive Assistance to and Protection of Refugees and Asylum-Seekers was established by the National Ombudsperson's Office through resolution DGN N° 1071/07 to guarantee access to justice and uphold the human rights of refugees and of those seeking recognition of that status. It is responsible for the following programmes: 1) A programme to provide legal advice and representation for refugees and asylum seekers; and 2) An aid and comprehensive protection for children and adolescents who are unaccompanied or separated from their families and seeking asylum. Statistics for the period from 1 November 2014 to 30 November 2015 show that out of a total of 677 asylum seekers, 525 were women and 152 men.[59]

108. As of April 2016, the female prison population in the four Federal Penitentiaries totalled 711 (approximately 6.9% of the Federal prisons population). Of that group of women deprived of liberty, 440 (62%) are Argentinean and 271 (38%) foreign nationals.

109. As regards the legal status of the female detainees, 69% (490) are being tried and 31% (221) have been convicted. The most common offence they have committed is violation of the Narcotic Drugs Act (Law 23.737). Over half (402 women or 56%) of all the women deprived of liberty are in jail for that reason. Accommodation capacity for female prisoners is 961, so that, as of 1 April 2016, occupancy was roughly 74%.

110. Law 24.660 provides for children under four years of age staying with their mothers in prison. The Federal Penitentiary Service provides special facilities for this segment of the prison population with day-care centres/nurseries and a special care protocol (article 195). Moreover, the sentencing or competent judge may mandate that a sentence be served under house arrest in the case of a female inmate who is pregnant or has a child under 5; or when the inmate is responsible for a person with disabilities. (article 32/33 amended by Law 26.472). The following correctional institutes have an area set aside for inmate mothers with children under four years of age:

- Federal Penitentiary Complex III
- The Penitentiary Centre for North-eastern Argentina

[59] http://www.mpd.gov.ar/pdf/Informe%20Anual%20de%20la%20Comisi%C3%B3n%20de%20Refugiados%202015.pdf.

- Federal Centre for the Detention of Women (Unit 31);
- "Nuestra Señora del Carmen" Women's Correctional Institute (u-13)
- "Nuestra Señora del Rosario de San Nicolás" Semi-open Regime and Federal Centre for the Detection of Women
- Ezeiza (u-31)
- Medium security.

Marriage and family relations

111. In respect of marriage, Argentina's new Civil and Commercial Code adopted by Law No. 26.994 does not make a distinction based on the sex of the parties contracting it and recognizes equal rights in a plan to live together based on cooperation. Two distinct property regimes are envisaged within the marriage: shared ownership of all goods acquired during the marriage (*comunidad de ganancias*, article 463) and separation of estates (*separación de bienes*, article 446). This provision allows the spouses greater choice, the right to alter the regime later on after the marriage has been entered into and as often as they like.

112. Furthermore, regardless of the property regime chosen, family solidarity and cooperation is preserved and protected by the designation of those obligations that the spouses should meet jointly and severally, since they are responsible for the obligations entered into to satisfy the needs of the household and sustain and bring up the children of both spouses. Although the obligation to nourish the children pertains to both parents, the new Code establishes that the day-to-day tasks carried out by the parent who actually looks after the children has economic value and constitutes a contribution to their maintenance (article 660). The notion that parental rights (*patria potestad*) are based on the "father as provider and head of household" is replaced by the idea of co-parental responsibility (articles 638, 639 and 640).

113. The provision essentially establishes protection of the family home, the way consent is given, and the duty to contribute to the burden of maintaining the household. The spouses must contribute to their own sustenance; to maintaining the home; to the needs of the children of both; and to the needs of any dependent child of one of the spouses who is living with them. The spouses are jointly and severally responsible for the obligations entered into by either to meet the regular needs of the household and bring up the children.

114. The New Civil Code sets the legal age for marriage at 18 and at 16 with the authorization of the minor's legal representatives and a judicial waiver (article 440). The judge is empowered to decide whether the marriage is possible or not based on grounds of maturity and other matters to be considered, after interviewing those seeking to get married and the legal representatives.

115. As regards gender equality, the Argentine Civil and Commercial Code exhibits significant legal progress in that it underscores the economic value of household chores, grants equal rights with respect to the children's surnames, and includes financial compensation settlements for partners and prenuptial agreements. It also acknowledges partnerships based on cohabitation (*uniones convivenciales*), allows assisted human reproduction techniques and regulates certain basic principles

relating to family, such as modifications to traditional institutions like marriage, property regimes, divorce, kinship, filiation and adoption.

116. In the same vein, the father's surname has ceased to have priority. Now, a child of a married couple may adopt the first surname of either spouse and in the event of disagreement the matter is decided by lot in the Registry Office (article 64). This gender perspective is now found not just in the regulation regarding children's surnames but also with respect to the spouses' because, as of the entry into force of the new Code, either spouse may use the other's surname, with or without the preposition "*de*" (article 67).

117. As regards divorce, the new Code gets rid of the agreement to divorce requirement and subjective grounds such as culpability, as well as temporal restrictions. What is proposed is a regulatory agreement that, along with the petition for divorce, must address matters relating to assignment of the home, the distribution of goods, and possible financial compensation settlements between the spouses. The exercise of parental responsibility must be established, especially alimony. The judge may, either ex officio or at the request of the parties, determine financial compensation for the spouse economically disadvantaged (articles 439 and 441) as a result of the divorce.